

### REMARKS-General

The newly amended independent claims 1 and 13 incorporate all structural limitations of the original claims 1 and 13 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All claims 1-29 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

#### Regarding the Rejections of Claims 1-2 and 13-14 under 35USC102

The examiner rejects claims 1-2 and 13-14 under 35USC102(b) as being anticipated by Hill (US 6,582,301). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

However, Hill patent and the instant invention are not the same invention according to the fact that the disclosure in Hill patent does not read upon the instant invention and the independent claims 1 and 13 of the instant invention does not read upon Hill patent either. Apparently, the instant invention, which discloses a poker dealing device incorporated with digital recorder system, should not be the same invention as Hill patent which discloses a game monitoring and display device for a card game.

The applicant respectfully submits that Hill patent does not anticipate the instant invention under 35USC102(b), due to the following reasons:

(A) Regarding the newly amended claims 1 and 13, Hill generally discloses a game monitoring and display device for a card game, comprising a shoe including a housing having an outlet slot, a scanner disposed *in the housing* to scan each card dispensed through the outlet slot, a memory configured to store rules, a processor, and a barrier (Hill, Col. 31, Claim 1). On the other hand, the instant invention recites a poker dealing device comprising a housing having a receiving cavity, a card reader provided at the dispensing slot at a position *out of* the receiving cavity, so as to guarantee that the card values of said playing cards in the receiving cavity is kept in strict confidence until the playing cards are dispensed out of the receiving cavity through the dispensing slot for preventing accidental and intentional premature disclosure of the card values before the corresponding playing cards are dispensed out of the housing. This feature is very important because if the card value can be retrieved before the card is dispensed, chicanery cannot be effectively prevented. This is the very shortcoming which the instant invention aims to resolve.

(B) Hill specifically teaches that a CPU system is used to control the barrier for preventing wrongful dispensing of a card (Hill, Abstract). The instant invention, however, recites a card dealing system comprising a central management unit for generating a *game record* regarding the playing cards that have been dealt in a particular card game. Hill is silent as to this feature of the instant invention.

(C) Regarding claim 2 and 14, Hill does not anticipate that the poker dealing device *card indicator* adapted for forming at the face side of each of the playing cards to represent the card value thereof, wherein the card indicator is positioned aligning with the card reader such that the card reader reads the card indicator when there respective playing card is dispensed out of the receiving cavity through the dispensing slot, in addition to what is claimed in the newly amended independent claims 1 and 13 as a whole. Hill does not disclose that any card indicator is used wherein the card indicator corresponds with the actual cards value of the corresponding playing card. More specifically, neural network or other recognition program must be used for Hill (Hill, Col. 19, Lines 20-31) whereas in the instant invention, a corresponding card reader which is capable of recognizing the card indicator is desirable.

**Response to Rejection of Claims 3-12 and 15-29 under 35USC103**

The Examiner rejected claims 3-12 and 15-29 over Hill ("Hill1 hereafter) (US 6,582,301) in view of Hill (Hill2) (US 2003/0195025) and Fujimoto (US 2005/0014562). Pursuant to 35 U.S.C. 103:

"(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Hill1 which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Hill2 and Fujimoto at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

The applicant respectfully submits that the differences between the instant invention and Hill1 are not obvious under 35USC103(a), due to the following reasons:

**(D)** Regarding the newly amended claims 3-4, the examiner is of the view that the use of barcode type scanners/readers is well known in the art. Thus it would have been obvious to one of ordinary skill in the art to interchange between the different types of scanners/readers. The applicant would like to point out that Hill2 fails to anticipate the use of card indicator (either magnetic type or barcode type) in addition to what is claimed in the newly amended independent claim 1 as a whole.

(E) Broad conclusory statements regarding the teaching of a reference is not evidence. There has to be actual evidence that is clear and particular. *Bard v. M3*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). "Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact." See *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1476, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993). "The Examiner's conclusory statement that the specification does not teach the best mode of using the invention is unaccompanied by evidence or reasoning and is entirely inadequate to support the rejection." *In re Sichert*, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977). The rejections in the Office Action are broad conclusory statements: The invention is obvious because they are considered "**obvious design choice**", and thus the invention is not patentable. Such broad conclusory statements are not sufficient to support the rejection.

(F) The applicant respectfully submits that the card indicator is utilized in conjunction with the card reader to accurately and rapidly provide the card value information of the dispensed card for generating a game record in a strictly confidential manner. As mentioned earlier, since the card reader cannot be installed within the housing, the use of card indicator as a barcode or a magnetic layer has an **unexpected result** of facilitating rapid and accurate reading of the card value when the cards are dispensed through the dispensing slot.

(G) The Examiner appears to reason that since Hill2 teaches the use of different scanners other than optical sensors, it would have been obvious to one skilled in the art to modify Hill1 to include the different types of scanners. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed.

Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") The main subject matter of the instant invention is that the card reader is installed at the dispensing slot but out of the housing, the examiner must consider the instant invention as a whole.

(H) In any case, even modifying Hill1 to include the different types of scanner of Hill2 would not provide the invention as claimed -- a clear indicia of nonobviousness. Ex parte Schwartz, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed.").

(I) Regarding claims 5-6 and 18-19, Hill1 fails to anticipate that the housing further comprises a divider inclinedly supported in the receiving cavity to divide the receiving cavity into a circuit chamber and a card chamber for receiving the playing cards therein, wherein the card reading device further comprises an electric circuitry supported within the circuit chamber to electrically connect with the card reader for communicating with a computerized device, in addition to what is claimed in the newly amended independent claims 1 and 13 as a whole.

(J) Regarding claims 7-8 and 15, Hill1 fails to anticipate that the electric circuitry comprises a digital encoder encoding a card signal read from the card reader in a digital form and a signal transmitter electrically connected to the digital encoder for transmitting the card signal to the computerized device, in addition to what is claimed in the newly amended independent claims 1 and 13 as a whole.

(K) Regarding claims 9-12 and 16-17, Hill1 fails to anticipate that the signal transmitter is an infrared transmitting device adapted for sending the card signal as an infrared signal to the computerized device, such that the signal transmitter functions as a wireless communication link for wirelessly communicating the card reading device with the computerized device in addition to what is claimed in the newly amended independent claims 1 and 13 as a whole. Moreover, Hill1 also fails to anticipate that the

signal transmitter is an infrared transmitting device adapted for sending the card signal as an infrared signal to the computerized device, such that the signal transmitter functions as a wireless communication link for wirelessly communicating the card reading device with the computerized device in addition to what is claimed in the newly amended independent claims 1 and 13 as a whole.

(L) Regarding the newly amended claims 20-21, Hill1 fails to anticipate that the central management unit comprises a central processing unit responsive to the card signal to generate the game record regarding the card values of the playing cards dispensed from the poker dealing device and status of winning and losing and odds for the card game, in addition to what is claimed in the newly amended independent claim 13 as a whole.

(M) Regarding claims 22-23, Hill1 fails to anticipate that the central management unit further comprises a result display displaying the game record regarding the status of winning and losing and odds after the card game is over, in addition to what is claimed in the newly amended independent claim 13.

(N) Regarding claims 24-26, Hill1 fails to anticipate that the card dealing system further comprises a poker table for hosting the card game, wherein the poker table comprises a tabletop defining a betting area for restricting a bet therewithin, and a bet sensor disposed in association with the betting area for detecting the bet therewith to generate a bet signal representing a value of the bet, wherein the bet signal is transmitted to the central management unit such that the game record is generated at the central management unit based on the bet signal corresponding to the card signal, in addition to what is claimed in the newly amended independent claim 13 as a whole.

(O) Regarding claims 27-29, the examiner is of the view that it would have been obvious to one of ordinary skill in the art to incorporate Fujimoto's teachings into Hill1 to produce the instant invention. The applicant must point out that in determining obviousness under 35USC103(a), the invention must be considered as a whole. "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987). Fujimoto and Hill1 fail to anticipate that the bet sensor detects a weight of chips as the bet placed within

the betting area to generate the bet signal representing the value of the chips, in addition to what is claimed in the newly amended independent claim 13 as a whole.

**(P)** Fujimoto discloses a game management system for managing various games. It does not anticipate a card dealing system with a secure and rapid card reader for ensuring that all of the dispensed cards are kept in strict confidence while when the cards are dispensed, an accurate game recorder can be generated. Hill1, Hill2 and Fujimoto do not teach, suggest or motivate that bet sensor for generating bet signal in addition to what is claimed in the newly amended independent claim 13 as a whole.

Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

#### **The Cited but Non-Applied References**

The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 1-29 at an early date is solicited.

Should the examiner believes that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.



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#### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

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Person Signing: Judith Wong